



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C., 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

OCT - 3 2017

The Honorable Luke Messer
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Messer:

Thank you for your letter of June 21, 2017, to the U.S. Environmental Protection Agency regarding our enforcement matter at the Midwest Grains Product of Indiana (MGPI) distillery. I have been asked to respond on behalf of Administrator Pruitt. You raise several concerns in your letter that you request be considered before further action is taken by the EPA. While we are pleased to respond to your inquiry, consistent with long-standing policy, the EPA does not disclose information that would interfere with an ongoing enforcement matter.

Some background information may prove useful. The EPA sent MGPI a Notice of Violation (NOV) in December 2016, in which the EPA provided information about the alleged violations of the Indiana State Implementation Plan and Nonattainment New Source Review requirements, and offered MGPI an opportunity to confer. A conference between the EPA and MGPI occurred January 26, 2017. The EPA conducted a follow-up site visit to the Lawrenceburg plant on August 8, 2017. The EPA is currently reviewing information it received from MGPI after the site visit and plans to continue to work with MGPI cooperatively to resolve this issue.

Your letter raises several concerns related to whether MGPI is being required to install unproven technology, whether the EPA is acting consistent with prior interpretations, whether MGPI had notice of those interpretations, and the applicability of certain rules related to a relevant permitting requirement. The EPA has taken your concerns into account and will continue to do so as it works with MGPI to resolve this matter.

Importantly, at this time the EPA has not required the facility to take any specific action to return to compliance, including installation of emission control technology. The concerns you express in your letter regarding the impact any controls could have on MGPI's whiskey, among other things, will be taken into consideration as the EPA continues discussions with MGPI.

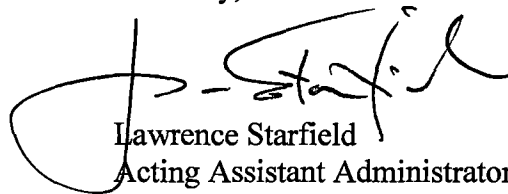
I also agree that the EPA should act consistently and that regulated entities should have notice of their obligations. The EPA will continue to discuss with MGPI their concerns about the EPA's interpretation about whether emissions from whisky warehouses are fugitive emissions.

Finally, it is not clear to what you are referring when you state that the EPA is relying on a stay that has expired. In March 2011, the EPA issued a stay of the 2008 rule regarding fugitive emissions that remains in place. The EPA is applying current federal law to MGPI's facility.

The EPA recognizes the steps that MGPI has taken to reduce emissions at the facility, including the conversion of a coal fired boiler to natural gas and the installation of a new grain dryer and regenerative thermal oxidizer. In addition to making the facility more efficient, the EPA recognizes that these steps have resulted in significant emission reductions. However, these improvements to the manufacturing process are unrelated to the alleged violations at the warehouse cited in the NOV.

The EPA remains committed to working with MGPI to ensure that they are being fairly treated and are operating in full compliance with the law. Again, thank you for your letter. If you have further questions, please do not hesitate to contact me, or your staff may contact Pamela Janifer in EPA's Office of Congressional and Intergovernmental Relations at Janifer.pamela@epa.gov or (202) 564-6969.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence Starfield", is written over the printed name and title. The signature is stylized with a large loop at the beginning and a long horizontal stroke.

Lawrence Starfield
Acting Assistant Administrator